

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
CIVIL RIGHTS DIVISION**

JOHN ANTHONY GENTRY, *sui juris/pro se* )  
Plaintiff )  
vs. )  
THE STATE OF TENNESSEE; )  
PAMELA ANDERSON TAYLOR; )  
BRENTON HALL LANKFORD; )  
SARAH RICHTER PERKY; )  
UNNAMED LIABILITY INSURANCE )  
CARRIER(S); Et al )  
Defendants )

CASE NO. 3:17-0020

JURY TRIAL DEMA

**PLAINTIFF'S MOTION TO RECUSE DISQUALIFY MAGISTRATE JUDGE**

Pursuant to 28 U.S. Code Section 455(a): Disqualification of justice, judge, or magistrate, Plaintiff respectfully requests The Honorable Magistrate Judge Barbara D. Holmes to disqualify herself from these proceedings, due to facts strongly suggesting: (1) actual bias, (2) loss of impartiality, (3) conduct that is plausibly impeachable in nature, and (4) conduct that is in violation of The Code of Conduct For Federal Judges.

Pursuant to 28 U.S.C. § 455(a): Any justice, judge, or magistrate judge of the United States shall disqualify himself <sup>1</sup> in any proceeding in which his impartiality might reasonably be

<sup>1</sup> Plaintiff respectfully suggests this section of the USC is sexist, and should be gender neutral. Obviously, a female judge's impartiality may be questioned just as male judge's impartiality may be questioned.

questioned. Pursuant to Local Rule 7.01, this motion is filed concurrently with an accompanying memorandum of law.

In Docket Entry 112, 115, and 117, Plaintiff has presented facts of proceedings and evidence that is more than plausible suggesting the magistrate has engaged in conduct that falls squarely under one or more of the following doctrines: fraud in the function, fraud in the inducement, canon of vagueness, and ineptness in the application of judicial function. Plaintiff also respectfully asserts the Magistrate's conduct is in clear violation of The Code Of Conduct For Federal Judges.

**WHEREFORE, PREMISES CONSIDERED, PLAINTIFF PRAYS:**

1. That the Magistrate Judge recuse and/or disqualify herself from these proceedings due to an appearance of bias and loss of impartiality and for conduct that is plausibly impeachable in nature and conduct that is in violation of The Code Of Conduct For Federal Judges.
2. That this case be referred back to the District Court Judge for decision on all matters pending granting or denial of Plaintiff's 28 U.S.C. § 455 Motion herein.
3. That this case on a go forward basis be presided over by the District Court Judge in all matters.
4. That if this motion for recusal/disqualification be denied, that the Magistrate Judge state in writing, her legal basis for denying recusal and state in writing how her conduct was not impeachable in nature, or in violation of The Code of Conduct For Federal

Judges and provide justification for her conduct complained of in Docket Entries 112, 115 and 117.

5. That all of the Magistrate's previous orders be reconsidered under a standard of de novo review rather than under a standard of "clearly erroneous."

Respectfully submitted,

s/ John Anthony Gentry  
John A Gentry, CPA, Pro Se  
208 Navajo Court,  
Goodlettsville, TN 37072  
(615) 351-2649  
john.a.gentry@comcast.net

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing was filed with the Court Clerk's Office personally, and will be filed electronically by the Court Clerk's Office, and notice served through the electronic filing system on this the 14<sup>TH</sup> day of September 2017 to:

Lauren Paxton Roberts  
Erika R. Barnes  
Stites & Harbison  
401 Commerce Street, Suite 800  
Nashville, TN 37219  
lauren.roberts@stites.com

William S. Walton  
Butler Snow, LLP  
The Pinnacle at Symphony Place  
150 Third Avenue South  
Nashville, TN 37201  
bill.walton@butlersnow.com

Stephanie A. Bergmeyer  
Office of the Atty. Gen. and Reporter  
P.O. Box 20207  
Nashville, TN 37202-0207  
Stephanie.bertmeyer@ag.tn.gov

s/ John Anthony Gentry  
John Anthony Gentry, CPA